

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5698 of 2007

Dated:22.03.2007

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Between:

Ouwgaddi Venkanna.

... Petitioner

AND

The Govt., of A.P., and another.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5698 of 2007

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ORDER:

The petitioner is a resident of Dopparla Village, Achyutapuram Mandal in Visakhapatnam District. He alleges that the land admeasuring Acs.3.00 in Survey No.45/1 is situated adjacent to Demudu Garuva Tank. He occupied the land and cultivating the same along with his family members. Though he has been making applications to the second respondent for grant of patta, the same was not considered, but the respondents allegedly collected land revenue from him from 1995 onwards. It is further alleged that land was allotted to one Palaka Appanna by proceedings dated 28.04.1987 denying the similar consideration to the petitioner. Therefore, he filed the present Writ Petition assailing the patta granted to Appanna and also seeking a direction to the second respondent to grant patta to him.

Learned Counsel for the petitioner reiterated the position as disclosed in the writ affidavit. **Opposing** the Writ Petition, learned Assistant Government Pleader for Revenue (Assignment) submits that when the land is classified as Tank, the same cannot be assigned.

As the allegation is made that the land admeasuring Ac.1.70 cents is already assigned to Sabbarappu Chinnayerukamma, W/o.Chinna Appanna, by proceedings dated 28.04.1987, the second respondent may look into the matter and assign the land to the petitioner. If for any reason, the land in Survey No.45/1 situated at Dopparla Village cannot be assigned, the Mandal Revenue Officer may assign suitable land to the petitioner taking into consideration his eligibility for such assignment. The petitioner is also given liberty to give a detailed representation producing evidence of his occupation within a period of ten days from the date of receipt of a copy of this

order. As and when such application is received, the Mandal Revenue Officer shall consider the same, if necessary, by conducting personal inspection, and pass appropriate orders within a period of six weeks after receiving the representation.

The Writ Petition is accordingly disposed of. No costs.

(V.V.S.RAO, J)

22.03.2007

vs